STATE OF INDIANA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Federal Water Pollution Control Act, as amended, (33 U.S.C. 1251 et seq., the "Act"), Title 13 of the Indiana Code, and regulations adopted by the Water Pollution Control Board, the Indiana Department of Environmental Management (IDEM) is issuing this permit to the

CITY OF FORT WAYNE

hereinafter referred to as "the permittee." The permittee owns and/or operates the P.L. Brunner Water Pollution Control Plant which is a major municipal wastewater treatment plant located at 2601 Dwenger Avenue, Fort Wayne, Indiana.

The permittee is hereby authorized to discharge from the outfalls identified in Part I of this permit to receiving waters named the Maumee River in accordance with the effluent limitations, monitoring requirements, and other conditions set forth in the permit. The permittee is also authorized to discharge from combined sewer overflow outfalls listed in Attachment A of this permit, to receiving waters named the Maumee River, St. Mary's River, St. Joseph River, Spy Run Creek, Natural Drain #4, and Baldwin Ditch in accordance with the effluent limitations, monitoring requirements, and other conditions set forth in this permit, including Attachment A.

Effective Date: _____.

Expiration Date: _____.

In order to receive authorization to discharge beyond the date of expiration, the permittee shall submit such information and application forms as are required by the Indiana Department of Environmental Management. The application shall be submitted to IDEM at least 180 days prior to the expiration date of this permit, unless a later date is allowed by the Commissioner in accordance with 327 IAC 5-3-2 and Part II.A.4 of this permit.

Issued on _____, for the Indiana Department of Environmental Management.

_____
Timothy J. Method
Deputy Commissioner

TREATMENT FACILITY DESCRIPTION

The permittee presently operates a 60.0 MGD, Class IV, conventional activated sludge wastewater treatment facility. Treatment also includes phosphorus removal, single stage nitrification, chlorination and tertiary treatment via a terminal lagoon (Pond #3). The discharge from Pond #3 is known as Outfall 001.

There are also two (2) additional ponds, known as Storm Water Ponds Nos. 1 and 2, which were designed and constructed for the collection, storage, and treatment of combined sewage flows. These ponds take in flows in excess of treatment plant capacity, in addition to excess flows from the Glasgow Regulator, which are diverted directly to the Storm Water Ponds. The permittee must maximize flow to and through the wastewater treatment plant prior to diverting flows into pond 1 through the CSO pump station. These ponds are to be used in series. The discharge is from Storm Water Pond No. 2 via Outfall 002.

PART I

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

The permittee is authorized to discharge from the outfalls listed below in accordance with the terms and conditions of this permit. The permittee shall take samples and measurements at a location representative of each discharge to determine whether the effluent limitations have been met. Refer to Part I.B of this permit for additional monitoring and reporting requirements.

1. Beginning on the effective date of this permit, the permittee is authorized to discharge from Outfall 001, which is located at 41°, 04', 39" Lat., 85°, 05', 52" Long. The discharge is subject to the following requirements:

TABLE 1

	Quantity or Loading			**Quality or Concentration**			**Monitoring Requirements**	
Parameter	Monthly Average	Weekly Average	Units	Monthly Average	Weekly Average	Units	Measurement Frequency	Sample Type
Flow [1]	Report	Report	MGD	----	----	----	Daily	24-Hr. Total
$CBOD_5$	2502	3753	lbs/day	5	7.5	mg/l	Daily	24-Hr. Composite
TSS	5004	7506	lbs/day	10	15	mg/l	Daily	24-Hr. Composite
Ammonia-nitrogen (Interim)[2]								
Summer [3]	----	----	----	1.1	1.7	mg/l	Daily	24-Hr. Composite
Winter [4]	----	----	----	2.2	3.4	mg/l	Daily	24-Hr. Composite
Phosphorus [5]	----	----	----	1.0	----	mg/l	Daily	24-Hr. Composite
Fecal Coliform [6][9]	----	----	----	200	400	colonies/100 ml	Daily	Grab

TABLE 2

	Quality or Concentration				Monitoring Requirements	
Parameter	Daily Minimum	Daily Maximum	Monthly Average	Units	Measurement Frequency	Sample Type
pH	6.0	9.0	----	s.u.	Daily	Grab
Dissolved Oxygen [7]	7.0	----	----	mg/l	Daily	4 Grabs/24-Hrs.
E. coli [8][9]	----	235	125	colonies/100 ml	Daily	Grab

TABLE 3

	Quantity or Loading			Quality or Concentration			Monitoring Requirements	
Parameter	Monthly Average	Daily Maximum	Units	Monthly Average	Daily Maximum	Units	Measurement Frequency	Sample Type
Ammonia-nitrogen (Final)[2]								
Summer [3]	550.8	1251.7	lbs/day	1.1	2.5	mg/l	Daily	24-Hr. Composite
Winter [4]	901.3	2102.9	lbs/day	1.8	4.2	mg/l	Daily	24-Hr. Composite
Total Residual Chlorine [9][10]								
Contact Tank	----	----	----	----	1.0	mg/l	Daily	Grab
Final[11]	5.01	10.01	lbs/day	0.01	0.02	mg/l	Daily	Grab

[1] Effluent flow measurement is required per 327 IAC 5-2-13. The flow meter(s) shall be calibrated at least once annually.

[2] Refer to the Compliance Schedule in Part I.D.3 of this permit.

[3] Summer limitations apply from May 1 through November 30 of each year.

[4] Winter limitations apply from December 1 through April 30 of each year.

[5] In accordance with 327 IAC 5-10-2(b), the facility must produce an effluent containing no more than 1.0 mg/l total phosphorus (P) any month that the average phosphorus level in the raw sewage is greater than 5 mg/l. In addition, a degree of reduction, as prescribed below, must be achieved. Such reduction is to be calculated based on monthly average influent and effluent concentrations.

Phosphorus (P) Level in Raw Sewage (mg/l)	Required Removal (%)
greater than or equal to 4	80%
less than 4, greater than or equal to 3	75%
less than 3, greater than or equal to 2	70%

less than 2, greater than or equal to 1	65%
less than 1	60%

[6] The permittee may monitor and report fecal coliform for the first three months after the effective date of this permit in lieu of *E. coli*, if the first three months occur during the recreational season of April through October. Fecal coliform monthly and weekly average values shall be calculated as a geometric mean. After the three month period, *E. coli* shall be monitored and reported during each recreational season. The permittee must notify the Data Management Section of the Office of Water Quality if it is going to monitor for fecal coliform in lieu of *E. coli* within 15 days after the effective date of this permit.

[7] The daily minimum concentration of dissolved oxygen in the effluent shall be reported as the arithmetic mean determined by summation of the 4 daily grab sample results divided by the number of daily grab samples. These samples are to be collected over equal time intervals.

[8] The *E. coli* limitations and monitoring requirements apply from April 1 through October 31 annually, subject to the optional fecal coliform monitoring described in footnote [6] above. The monthly average *E. coli* value shall be calculated as a geometric mean. IDEM has specified the following methods as allowable for the detection and enumeration of *Escherichia coli (E. coli)*:

1. Coliscan MF® Method
2. EPA Method 1103.1 using original m-TEC agar.
3. EPA revised Method 1103.1 using modified m-TEC agar.
4. *Standard Methods* 20th Edition Method 9223 B using Colilert® - for use of this procedure, an initial comparison study must be conducted between Colilert® and an approved membrane filtration method. This comparison study must be approved by IDEM before this method can be used by the permittee.

[9] The effluent shall be disinfected on a continuous basis from April 1 through October 31, annually such that violations of the applicable bacteriological limitations (fecal coliform or *E. coli*) do not occur. The monthly average *E. coli* value shall be calculated as a geometric mean. If the permittee uses chlorine for any reason, at any time including the period from November 1 through March 31, then the limits and monitoring requirements in Table 3 for total residual chlorine shall be in effect whenever chlorine is used.

[10] Refer to the Compliance Schedule in Part I.D.2 of this permit. The chlorine residual shall be maintained at a concentration not to exceed a maximum of 1.0 mg/l as measured at the effluent end of the chlorine contact tank for the term of the

compliance schedule, or until the permittee can demonstrate compliance with the final residual chlorine limit, whichever occurs first.

[11] The monthly average water quality based effluent limit (WQBEL) for total residual chlorine is less than the limit of quantitation (LOQ) as specified below. Compliance with the total residual chlorine concentration limitations will be demonstrated if the monthly average effluent level is less than or equal to the monthly average WQBEL. For the purpose of calculating the monthly average value, the daily effluent values that are less than the LOQ may be assigned a value of zero (0), unless, after considering the number of monitoring results that are greater than the limit of detection (LOD), and applying appropriate statistical techniques, a value other than zero (0) is warranted.

The daily maximum WQBEL for total residual chlorine is greater than or equal to the LOD value, but less than the LOQ value specified in the permit. Compliance with this effluent limitation will be demonstrated if the measured daily effluent concentrations are less than the LOQ. For daily maximum mass limitations based on WQBELs which are less than the LOQ value, compliance with the daily maximum mass value is based on the LOQ value. Compliance with the daily maximum mass value will be demonstrated if the calculated mass value is less than **30.04** lbs/day.

At present, two methods are acceptable to IDEM measure total residual chlorine: amperometric and DPD colorimetric methods.

Parameter	LOD	LOQ
Chlorine	0.02 mg/l	0.06 mg/l

Case-Specific MDL

The permittee may determine a case-specific method detection level (MDL) using the analytical method specified above. The MDL shall be derived by the procedure specified for MDLs contained in 40 CFR Part 136, Appendix B, and the limit of quantitation shall be set equal to 3.18 times the MDL. Other methods may be used if first approved by the U.S. EPA and IDEM.

2. Outfalls 002 and 003

a. During the period beginning on the effective date of this permit, the permittee is authorized to discharge from Outfall 002, only after acceptance of the maximum flow possible to the wastewater treatment facility that does not adversely affect the treatment process. The permittee shall take samples and measurements to meet the monitoring requirements at a location representative of the discharge. Such discharge shall be limited and monitored by the permittee as specified below:

TABLE 4

	Quality or Concentration					**Monitoring Requirements**	
Parameter	Monthly Average	Weekly Average	Daily Minimum	Daily Maximum	Units	Measurement Frequency	Sample Type
Stream Flow	----	----	Report	Report	MGD	Daily	Gauge
Influent Flow	Report	Report	----	----	MGD	Daily	24-Hr. Total
Effluent Flow	Report	Report	----	----	MGD	Daily	24-Hr. Total
Eff./Stream Ratio	----	----	----	0.33	----	Daily	Report
$CBOD_5$	25	40	----	----	mg/l	Daily	Grab
TSS	30	45	----	----	mg/l	Daily	Grab
pH	----	----	6.0	9.0	s.u.	Daily	Grab
E. coli [1][2]	125	----	----	235	colonies/100 ml	Daily	Grab

The permittee must regulate the facility's discharge such that the discharge flow does not exceed one-third (1/3) of the receiving stream flow, as measured immediately upstream of the discharge point. Nor shall the $CBOD_5$ loading exceed 40 pounds per day per cfs of stream flow.

or

Note: The permittee contends that the existing secondary treatment limitations were improperly applied to the discharge from the Storm Water Ponds. While not agreeing with this position, IDEM, in response, has drafted alternative effluent limitations set forth below. They were derived from statistical analysis of over six years of reported effluent data from the operation of the Storm Water Ponds. If IDEM decides to establish these limitations (which are based on prior performance) in lieu of the existing limitations, the following limitations and permit conditions could be included in the final permit.

ALT-TABLE 4

	Quality or Concentration					Monitoring Requirements	
Parameter	Monthly Average	Weekly Average	Daily Minimum	Daily Maximum	Units	Measurement Frequency	Sample Type
Stream Flow	----	----	Report	Report	MGD	Daily	Gauge
Influent Flow	Report	Report	----	----	MGD	Daily	24-Hr. Total
Effluent Flow	Report	Report	----	----	MGD	Daily	24-Hr. Total
Eff./Stream Ratio	----	----	----	0.2	----	Daily	Report
$CBOD_5$	41	62	----	----	mg/l	Daily	Grab
TSS	69	104	----	----	mg/l	Daily	Grab
pH	----	----	6.0	9.0	s.u.	Daily	Grab
E. coli[1][2]	125	----	----	235	count/100 ml	Daily	Grab

The permittee must regulate the facility's discharge such that the discharge flow does not exceed one-fifth (1/5) of the measured stream flow, as measured immediately upstream of the discharge point. Nor shall the $CBOD_5$ loading exceed 40 pounds per day of cfs of stream flow.

[1] The permittee may monitor and report fecal coliform for the first three months after the effective date of this permit in lieu of *E. coli*, if the first three months occur during the recreational season of April through October. Fecal coliform monthly and weekly average values shall be calculated as a geometric mean. After the three month period, *E. coli* shall be monitored and reported during each recreational season. The permittee must notify the Data Management Section of the Office of Water Quality if it is going to monitor for fecal coliform in lieu of *E. coli* within 15 days after the effective date of this permit.

If disinfection by chlorine is used, a chlorine residual shall be maintained at a concentration not to exceed a maximum of 1.0 mg/l. The residual chlorine and *E. coli* monitoring shall be conducted simultaneously.

[2] The *E. coli* limitations and monitoring requirements apply from April 1 through October 31 annually. The monthly average *E. coli* value shall be calculated as a geometric mean. IDEM has specified the following methods as allowable for the detection and enumeration of *Escherichia coli (E. coli)*:

1. Coliscan MF® Method
2. EPA Method 1103.1 using original m-TEC agar.
3. EPA revised Method 1103.1 using modified m-TEC agar.
4. *Standard Methods* 20th Edition Method 9223 B using Colilert® - for use of this procedure, an initial comparison study must be conducted between Colilert® and an approved membrane filtration method. This comparison study must be approved by IDEM before this method can be used by the permittee.

b. In the event that the terminal pond (Pond #3) is taken out of service for routine maintenance, after notification in accordance with Part II.B.2.d(1) of this permit, the permittee is authorized to use Storm Water Pond #2 as a terminal polishing pond and discharge final treated effluent from Outfall 002 under the terms and conditions of Part I.A.1 and Parts I.A.3 through 5, and Parts II, and III of this permit. Outfall 003 (Storm Water Pond #1) will then be authorized to discharge under the terms and conditions of Parts I.A.2.a, and I.A.3, and Parts II, and III of this permit. In the event that Storm Water Pond # 2 is taken out of service for routine maintenance, after notification in accordance with Part II.B.2.d(1) of this permit, the permittee is authorized to discharge from Outfall 003 (Storm Water Pond #1) under the terms and conditions of Parts I.A.2.a, and I.A.3, and Parts II, and III of this permit.

3. Minimum Narrative Limitations

At all times the discharge from any and all point sources specified within this permit shall not cause receiving waters:

a. including the mixing zone, to contain substances, materials, floating debris, oil, scum or other pollutants:

(1) that will settle to form putrescent or otherwise objectionable deposits;

(2) that are in amounts sufficient to be unsightly or deleterious;

(3) that produce color, visible oil sheen, odor, or other conditions in such degree as to create a nuisance;

(4) which are in amounts sufficient to be acutely toxic to, or to otherwise severely injure or kill aquatic life, other animals, plants, or humans;

(5) which are in concentrations or combinations that will cause or contribute to the growth of aquatic plants or algae to such a degree as to create a nuisance, be unsightly, or otherwise impair the designated uses.

b. outside the mixing zone, to contain substances in concentrations which on the basis of available scientific data are believed to be sufficient to injure, be chronically toxic to, or be carcinogenic, mutagenic, or teratogenic to humans, animals, aquatic life, or plants.

4. Additional Discharge Limitations and Monitoring Requirements

a. During the period beginning on the effective date of the permit, and continuing until fifty-nine months after the effective date, the effluent from Outfall 001 shall be limited and monitored by the permittee as follows:

TABLE 5

	Quality or Concentration			**Monitoring Requirements**	
Pollutant	Monthly Average	Daily Maximum	Unit	Measurement Frequency	Sample Type
Cadmium [1]	Report	Report	mg/l	See [2] Below	24 Hr. Comp.
Chromium [1]	Report	Report	mg/l	See [2] Below	24 Hr. Comp.
Copper [1]	Report	Report	mg/l	See [2] Below	24 Hr. Comp.
Cyanide [1]	Report	Report	mg/l	See [2] Below	See [3] Below
Lead [1]	Report	Report	mg/l	See [2] Below	24 Hr. Comp.
Mercury [1][4]	Report	0.5	ug/l	See [2] Below	Grab
Nickel [1]	Report	Report	mg/l	See [2] Below	24 Hr. Comp.
Zinc [1]	Report	Report	mg/l	See [2] Below	24 Hr. Comp.

[1] The permittee shall measure and report this parameter as total recoverable metal. Cyanide shall be reported as Free Cyanide or Cyanide Amenable to Chlorination.

The permittee shall use approved EPA test methods that will reliably provide a detection level less than the water quality based effluent limit (WQBEL) for each pollutant listed in Table 5. The Mercury shall be monitored using EPA Method 1631, Revision E.

[2] From the effective date of the permit, and continuing for thirty-six months, samples shall be monitored and reported once per quarter. Beginning from thirty-six months after the effective date of the permit, and continuing until sixty months, samples shall be monitored and reported one time per month.

[3] The maximum holding time for cyanide (CN) is 24 hours when sulfide is present and 14 days when sulfide is absent, according to 40 CFR 136.3, Table II. Therefore, CN is to be monitored by collecting a representative grab sample and analyzing it within 24 hours. Alternatively, if the permittee can demonstrate the wastewater contains no sulfide, the permittee may collect a composite sample and analyze it within 14 days.

[4] Refer to the Schedule of Compliance in Part I.D.1. of this permit.

b. During the period beginning fifty-nine after the effective date of the permit, the effluent from Outfall 001 shall be limited and monitored by the permittee as follows:

TABLE 6

	Quantity or Loading			**Quality or Concentration**			**Monitoring Requirements**	
Parameter [1]	Monthly Average	Daily Maximum	Units	Monthly Average	Daily Maximum	Units	Measurement Frequency	Sample Type
Cadmium	----	----	----	Report	Report	mg/l	1 X Monthly	24-Hr. Comp.
Chromium	----	----	----	Report	Report	mg/l	1 X Monthly	24-Hr. Comp.
Copper	----	----	----	Report	Report	mg/l	1 X Monthly	24-Hr. Comp.
Cyanide	----	----	----	Report	Report	mg/l	1 X Monthly	24-Hr. Comp.
Lead	----	----	----	Report	Report	mg/l	1 X Monthly	24-Hr. Comp.
Mercury	0.00065	0.00160	lbs/day	1.3	3.2	ng/l	1 X Monthly	Grab
Nickel	----	----	----	Report	Report	mg/l	1 X Monthly	24-Hr. Comp.
Zinc	----	----	----	Report	Report	mg/l	1 X Monthly	24-Hr. Comp.

[1] The permittee shall measure and report this parameter as total recoverable metal, except for cyanide which shall be measured and reported as free cyanide or cyanide amenable to chlorination. The EPA test methods and associated LODs and LOQs to be used in the analysis of the effluent samples are listed in Part I.A.4.a [1] above.

5. Additional Monitoring Requirements

Beginning on the effective date of this permit, the permittee shall conduct the following monitoring activities:

a. Influent Monitoring

The permittee shall monitor the influent to its wastewater treatment facility for the following pollutants. Samples shall be representative of the influent, in accordance with 327 IAC 5-2-13(b):

TABLE 7

	Quality or Concentration			**Monitoring Requirements**	
Parameter [1]	Monthly Average	Daily Maximum	Unit	Measurement Frequency	Sample Type
Cadmium	Report	Report	mg/l	1 X Monthly	24 Hr. Comp.
Chromium	Report	Report	mg/l	1 X Monthly	24 Hr. Comp.
Copper	Report	Report	mg/l	1 X Monthly	24 Hr. Comp.
Cyanide	Report	Report	mg/l	1 X Monthly	See [2] Below
Lead	Report	Report	mg/l	1 X Monthly	24 Hr. Comp.
Mercury	Report	Report	ng/l	1 X Monthly	Grab
Nickel	Report	Report	mg/l	1 X Monthly	24 Hr. Comp.
Zinc	Report	Report	mg/l	1 X Monthly	24 Hr. Comp.

[1] All metals shall be reported as Total Recoverable Metals. Cyanide shall be reported as Free Cyanide or Cyanide Amenable to Chlorination.

The EPA test methods and associated LODs and LOQs to be used in the analysis of the effluent samples are listed in Part I.A.4.a [1] above.

[2] The maximum holding time for cyanide (CN) is 24 hours when sulfide is present and 14 days when sulfide is absent, according to 40 CFR 136.3, Table II. Therefore, CN is to be monitored by collecting a representative grab sample and analyzing it within 24 hours. Alternatively, if the permittee can demonstrate the wastewater contains no sulfide, the permittee may collect a composite sample and analyze it within 14 days.

b. Organic Pollutant Monitoring

The permittee shall conduct an annual inventory of organic pollutants (see 40 CFR 423, Appendix A) and shall identify and quantify additional organic compounds which occur in the influent, effluent, and sludge. The analytical report shall be sent to the Pretreatment Group, OWQ, IDEM. This report is due in December of each year. The inventory shall consist of:

(1) Sampling and Analysis of Influent and Effluent

Sampling shall be conducted on a day when industrial discharges are expected to be occurring at normal or maximum levels. The samples shall be 24-hour flow proportional composites, except for volatile organics, which shall be taken by appropriate grab sampling techniques. Analysis for the U.S. EPA organic priority pollutants shall be performed using U.S. EPA methods 624, 625 and 608 in 40 CFR 136, or other equivalent methods approved by U.S. EPA. Equivalent methods must be at least as sensitive and specific as methods 624, 625 and 608.

All samples must be collected, preserved and stored in accordance with 40 CFR 136, Appendix A. Samples for volatile organics must be analyzed within 14 days of collection. Samples for semivolatile organics, PCBs and pesticides must be extracted within 7 days of collection and analyzed within 40 days of extraction. For composite samples, the collection date shall be the date at the end of the daily collection period.

(2) Sampling and Analysis of Sludge

Sampling collection, storage, and analysis shall conform to the U.S. EPA

recommended procedures equivalent to methods 624, 625 and 608 in 40 CFR 136. Special sampling and/or preservation techniques will be required for those pollutants which deteriorate rapidly.

Sludge samples for volatile organics must be analyzed within 14 days of collection. Sludge samples for semivolatile organics, PCBs and pesticides must be extracted within 14 days of collection and analyzed within 40 days of extraction.

(3) Additional Pollutant Identification

In addition to the priority pollutants, a reasonable attempt shall be made to identify and quantify the ten most abundant constituents of each fraction (excluding priority pollutants and unsubstituted aliphatic compounds) shown to be present by peaks on the total ion plots (reconstructed gas chromatograms) more than ten times higher than the adjacent background noise. Identification shall be attempted through the use of U.S. EPA/NIH computerized library of mass spectra, with visual confirmation by an experienced analyst. Quantification may be based on an order of magnitude estimate based upon comparison with an internal standard.

The annual program effectiveness review, required by Part III. A.7. of this permit, should identify the additional steps necessary to determine whether the pollutants that are present interfere, pass through, or otherwise violate 40 CFR 403.2. Upon such determination, the report must also identify the steps taken to develop and enforce local limitations on industrial discharges for those pollutants. This is a requirement of 40 CFR 403.5.

B. MONITORING AND REPORTING

1. Representative Sampling

Samples and measurements taken as required herein shall be representative of the volume and nature of the discharge and shall be taken at times which reflect the full range and concentration of effluent parameters normally expected to be present. Samples shall not be taken at times to avoid showing the presence or peak concentrations of any parameters.

2. Data on Plant Operation

The raw influent and the wastewater from intermediate unit treatment processes, as well as the final effluent shall be sampled and analyzed for the pollutants and operational parameters specified by the applicable Monthly Report of Operation Form, as appropriate, in accordance with 327 IAC 5-2-13. Except where the permit specifically states otherwise, the sample frequency for the raw influent and intermediate unit treatment process shall be at a minimum the same frequency as that for the final effluent. The measurement frequencies specified in each of the tables in Part I.A. of this permit are the minimum frequencies required by this permit.

3. Monthly Reporting

The permittee shall submit monitoring reports to the Indiana Department of Environmental Management containing results obtained during the previous month and shall be postmarked no later than the 28th day of the month following each completed monitoring period. The first report shall be submitted by the 28th day of the month following the month in which the permit becomes effective. These reports shall include, but not necessarily be limited to, the Discharge Monitoring Report and the Monthly Report of Operation. Permittees with combined sewer overflow discharges must also submit the CSO Discharge Monitoring Report to IDEM by the 28th day of the month following each completed monitoring period. All reports shall be mailed to IDEM, Office of Water Quality, Data Management Section, P.O. Box 6015, Indianapolis, Indiana 46206-6015. The Regional Administrator may request the permittee to submit monitoring reports to the Environmental Protection Agency if it is deemed necessary to assure compliance with the permit.

A calendar week will begin on Sunday and end on Saturday. Partial weeks consisting of four or more days at the end of any month will include the remaining days of the week, which occur in the following month in order to calculate a consecutive seven-day average. This value will be reported as a weekly average or seven-day average on the MRO for the month containing the partial week of four or more days. Partial calendar weeks consisting of less than four days at the end of any month will be carried forward to

the succeeding month and reported as a weekly average or a seven-day average for the calendar week that ends with the first Saturday of that month.

4. Definitions

a. Calculation of Averages

Pursuant to 327 IAC 5-2-11(a)(5), the calculation of the average of discharge data shall be determined as follows: For all parameters except fecal coliform and *E. coli*, calculations that require averaging of sample analyses or measurements of daily discharges shall use an arithmetic mean unless otherwise specified in this permit. For fecal coliform, the monthly average discharge and weekly average discharge, as concentrations, shall be calculated as a geometric mean. For *E. coli*, the monthly average discharge, as a concentration, shall be calculated as a geometric mean.

b. Terms

(1) "Monthly Average" -The monthly average discharge means the total mass or flow-weighted concentration of all daily discharges during a calendar month on which daily discharges are sampled or measured, divided by the number of daily discharges sampled and/or measured during such calendar month. The monthly average discharge limitation is the highest allowable average monthly discharge for any calendar month.

(2) "Weekly Average" - The weekly average discharge means the total mass or flow weighted concentration of all daily discharges during any calendar week for which daily discharges are sampled or measured, divided by the number of daily discharges sampled and/or measured during such calendar week. The average weekly discharge limitation is the maximum allowable average weekly discharge for any calendar week.

(3) "Daily Maximum" - The daily maximum discharge limitation is the maximum allowable daily discharge for any calendar day. The “daily discharge” means the total mass of a pollutant discharged during the calendar day or, in the case of a pollutant limited in terms other than mass pursuant to 327 IAC 5-2-11(e), the average concentration or other measurement of the pollutant specified over the calendar day or any twenty-four hour period that represents the calendar day for purposes of sampling.

(4) The 24-hour Composite Sample consists of at least 12 grab samples collected over equal time intervals during the period of operator attendance. The grab samples for the composites shall be proportioned to flow. A flow proportioned composite sample is obtained by:

(a) recording the discharge flow rate at the time each individual sample is taken,

(b) adding together the discharge flow rates recorded from each individual sampling time to formulate the "total flow value,"

(c) dividing the discharge flow rate of each individual sampling time by the total flow value to determine its percentage of the total flow value, and

(d) multiplying the volume of the total composite sample by each individual sample's percentage to determine the volume of that individual sample which will be included in the total composite sample.

(5) $CBOD_5$: Five-day Carbonaceous Biochemical Oxygen Demand

(6) TSS: Total Suspended Solids

(7) *E. coli*: Escherichia coli bacteria

c. The "Regional Administrator" is defined as the Region V Administrator, U.S. EPA, located at 77 West Jackson Boulevard, Chicago, Illinois 60604.

d. The "Commissioner" is defined as the Commissioner of the Indiana Department of Environmental Management, located at the following address: 100 North Senate Avenue, P.O. Box 6015, Indianapolis, Indiana 46206-6015.

5. Test Procedures

The analytical and sampling methods used shall conform to the current version of 40 CFR, Part 136, unless otherwise specified within this permit. Multiple editions of Standard Methods for the Examination of Water and Wastewater are currently approved for most methods, however, 40 CFR Part 136 should be checked to ascertain if a particular method is approved for a particular analyte. The approved methods may be included in the texts listed below. However, different but equivalent methods are allowable if they receive the prior written approval of the State agency and the U.S. Environmental Protection Agency.

a. Standard Methods for the Examination of Water and Wastewater
18^{th}, 19^{th}, or 20^{th} Editions, 1992, 1995 or 1998 American Public Health Association, Washington, D.C. 20005.

b. A.S.T.M. Standards, Part 23, Water; Atmospheric Analysis
1972 American Society for Testing and Materials
Philadelphia, PA 19103.

c. Methods for Chemical Analysis of Water and Wastes
June 1974, Revised, March 1983, Environmental Protection Agency
Water Quality Office, Analytical Quality Control Laboratory
1014 Broadway, Cincinnati, OH 45202.

6. Recording of Results

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record and maintain records of all monitoring information an activities under this permit, including the following information:

a. The exact place, date, and time of sampling or measurements;

b. The person(s) who performed the sampling or measurements;

c. The dates and times the analyses were performed;

d. The person(s) who performed the analyses;

e. The analytical techniques or methods used; and

f. The results of all required analyses and measurements.

7. Additional Monitoring by Permittee

If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified above, the results of such monitoring shall be included in the calculation and reporting of the values required in the Monthly Discharge Monitoring Report and on the Monthly Report of Operation form. Such increased frequency shall also be indicated on these forms. Any such additional monitoring data which indicates a violation of a permit limitation shall be followed up by the permittee, whenever feasible, with a monitoring sample obtained and analyzed pursuant to approved analytical methods. The results of the follow-up sample shall be reported to the Commissioner in the Monthly Discharge Monitoring Report.

8. Records Retention

All records and information resulting from the monitoring activities required by this permit, including all records of analyses performed and calibration and maintenance of instrumentation and recording from continuous monitoring instrumentation, shall be retained for a minimum of three (3) years. In cases where the original records are kept at another location, a copy of all such records shall be kept at the permitted facility. The three-year period shall be extended:

a. automatically during the course of any unresolved litigation regarding the discharge of pollutants by the permittee or regarding promulgated effluent guidelines applicable to the permittee; or

b. as requested by the Regional Administrator or the Indiana Department of Environmental Management.

9. Averaging Analytical Values When the WQBEL is Greater Than or Equal to the LOQ and One or More Values are Less Than the LOQ

Where the permittee samples more than once per month and obtains an analytical data base that contains concentration results below the LOQ, the permittee shall utilize the following protocol that sets a value to be used for analytical results below the LOQ according to their frequency of occurrence. These values can then be used to calculate the average value for DMR reporting.

For results that are less than the LOD:

EQN 1. $\mathbf{V_{LOD}\ (or\ values) = (LOD) * (F_{LOD})}$

Where:

EQN 2. $$\mathbf{F_{LOD} = 1 - \frac{Number\ of\ Results\ Less\ Than\ the\ LOD}{Total\ Number\ of\ Results}}$$

C. REOPENING CLAUSES

In addition to the reopening clause provisions cited at 327 IAC 5-2-16, the following reopening clauses are incorporated into this permit:

1. This permit may be modified or, alternately, revoked and reissued after public notice and opportunity for hearing to incorporate effluent limitations reflecting the results of a wasteload allocation if the Department of Environmental Management determines that

such effluent limitations are needed to assure that State Water Quality Standards are met in the receiving stream.

2. This permit may be modified due to a change in sludge disposal standards pursuant to Section 405(d) of the Clean Water Act, if the standards when promulgated contain different conditions, are otherwise more stringent, or control pollutants not addressed by this permit.

3. This permit may be modified, or, alternately, revoked and reissued, to comply with any applicable effluent limitation or standard issued or approved under section 301(b)(2)(C), (D) and (E), 304(b)(2), and 307(a)(2) of the Clean Water Act, if the effluent limitation or standard so issued or approved:

   a. contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or

   b. controls any pollutant not limited in the permit.

4. This permit may be modified, or alternately, revoked and reissued after public notice and opportunity for hearing to include whole effluent toxicity limitations or to include limitations for specific toxicants if the results of the biomonitoring and/or the TRE study indicate that such limitations are necessary.

5. This permit may be modified, or alternately, revoked and reissued, after public notice and opportunity for hearing, to include a case-specific Method Detection Level (MDL). The permittee must demonstrate that such action is warranted in accordance with the procedure specified under Appendix B, 40 CFR Part 136, or approved by the Indiana Department of Environmental Management.

6. This permit may be modified or, alternatively, revoked and reissued after public notice and opportunity for hearing to incorporate additional requirements or limitations for specific toxicants if the required additional analyses in Part I.A.4. a. or b. indicate that such additional requirements and/or limitations are necessary to assure that State Water Quality Standards are met in the receiving stream.

D. SCHEDULE OF COMPLIANCE

1. Mercury

a. The permittee shall complete actions necessary to achieve compliance with the final mercury limits (Part I.A.4(a), Table 6) no later than sixty (60) months from the effective date of this permit. If compliance with the final mercury limits can be achieved by an earlier date, the permittee must notify the Compliance Evaluation Section, Office of Water Quality (OWQ) within thirty days of making that determination, at which time, the final mercury limits will become effective.

b. Monitoring and reporting of effluent mercury is required during the interim period in accordance with the permit.

c. The permittee shall submit a draft action plan for complying with the final mercury effluent limitation to the Compliance Evaluation Section of OWQ by twelve (12) months from the effective date of the permit. The draft action plan shall include, among other items, a description of the method(s) selected for meeting new final requirements for mercury.

d. The permittee shall submit a final action plan for complying with the final mercury effluent limitation to the Compliance Evaluation Section of OWQ by twenty-four (24) months from the effective date of this permit. If construction is required, include plans and specifications with the submittal.

e. The permittee shall initiate actions identified in the action plan and shall submit a written progress report regarding the action plan to the Compliance Evaluation Section of OWQ by thirty-six (36) months from the effective date of the permit.

f. The permittee shall submit a written progress report to the Compliance Evaluation Section, OWQ by forty-eight (48) months from the effective date of the permit.

g. The permittee shall submit a written progress report to the Compliance Evaluation Section, OWQ by sixty (60) months from the effective date of the permit.

h. If the permittee fails to comply with any date in the foregoing schedule, the permittee shall submit a written notice of noncompliance to the Compliance Evaluation Section, Office of Water Quality within fourteen (14) days of the date of noncompliance. The notice shall delineate the cause of noncompliance, any remedial action taken or planned, and the probability of meeting the date fixed for compliance with final requirements.

2. Total Residual Chlorine (TRC)

a. The permittee shall complete actions necessary to achieve compliance with the final total residual chlorine limits no later than thirty-sixty (36) months from the effective date of this permit. If compliance with the final total residual chlorine limits can be achieved by an earlier date, the permittee must notify the Compliance Evaluation Section, Office of Water Quality (OWQ) within thirty days of making that determination, at which time, the final total residual chlorine limits will become effective.

b. The permittee shall submit a written progress report to the Compliance Evaluation Section, Office of Water Quality six (6) months from the effective date of the permit. The progress report shall include, among other items, a description of the method(s) selected for meeting new final requirements for TRC. Monitoring of final total residual chlorine during the interim period is recommended to determine the effectiveness of the existing facilities in meeting the new final effluent limitations. Reporting these results on the Discharge Monitoring Report (DMR) form is not required.

c. If construction is required, a construction permit application (including Plans and Specifications) for complying with final requirements shall be submitted within fourteen (14) months from the effective date of the permit.

d. Initiation of construction, if necessary, shall commence not later than the twenty-three (23) months from the effective date of the permit. The permittee shall submit a written progress report to the Compliance Evaluation Section, Office of Water Quality at this time.

e. The permittee shall submit a written progress report to the Compliance Evaluation Section, Office of Water Quality by thirty-two (32) months from the effective date of the permit.

f. Construction shall be completed within thirty-five (35) months from the effective date of the permit. The permittee shall submit a written progress report to the Compliance Evaluation Section, Office of Water Quality when construction has been completed.

g. If the permittee fails to comply with any date in the foregoing schedule, the permittee shall submit a written notice of noncompliance to the Compliance Evaluation Section, Office of Water Quality within fourteen (14) days of the date of noncompliance. The notice shall delineate the cause of noncompliance, any remedial action taken or planned, and the probability of meeting the date fixed for compliance with final requirements.

3. <u>Ammonia-nitrogen</u>

a. The permittee shall achieve compliance with the final ammonia-nitrogen effluent limits (Part I.A.1, Table 3) no later than 12 months from the effective date of this permit. If compliance with the final ammonia-nitrogen limits can be achieved by an earlier date, the permittee must notify the Compliance Evaluation Section, Office of Water Quality (OWQ) within thirty days, at which time, the final ammonia-nitrogen limits will become effective.

b. During the 12 months from the effective date of the permit, while the compliance schedule is in effect, the permittee must comply with the interim ammonia-nitrogen limits (Part I.A.1, Table 1).

c. The permittee shall submit a progress report to the Compliance Evaluation Section of the OWQ by two (2) months from the effective date of this permit.

d. The permittee shall submit a progress report to the Compliance Evaluation Section of OWQ by nine (9) months from the effective date of this permit.

e. If the permittee fails to comply with any date in the foregoing schedule, the permittee shall submit a written notice of noncompliance to the Compliance Evaluation Section, Office of Water Quality within fourteen (14) days of the date of noncompliance. The notice shall delineate the cause of noncompliance, any remedial action taken or planned, and the probability of meeting the date fixed for compliance with final requirements.

E. CHRONIC BIOMONITORING PROGRAM REQUIREMENTS

The 1977 Clean Water Act explicitly states, in Section 101(3) that it is the national policy that the discharge of toxic pollutants in toxic amounts be prohibited. In support of this policy the U.S. EPA in 1995 amended the 40 CFR 136.3 (Tables IA and II) by adding testing methods for measuring acute and short-term chronic toxicity of whole effluents and receiving waters. To adequately assess the character of the effluent, and the effects of the effluent on aquatic life, the permittee shall conduct Whole Effluent Toxicity Testing. Part 1 of this section describes the testing procedures, Part 2 describes the Toxicity Reduction Evaluation which is only required if the effluent demonstrates toxicity, as described in paragraph f.

1. Whole Effluent Toxicity Tests

Within 90 days of the effective date of the permit, the permittee shall initiate the series of tests described below to monitor the toxicity of the discharge from Outfall 001. If toxicity is demonstrated as defined under paragraph e below, the permittee is required to conduct

a toxicity reduction evaluation (TRE).

a. Bioassay Test Procedures and Data Analysis

(1) All test organisms, test procedures and quality assurance criteria used shall be in accordance with the Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Water to Freshwater Organisms; Third Edition Section 13, Cladoceran (Ceriodaphnia dubia) Survival and Reproduction Test Method 1002.0; and Section 11, Fathead Minnow (Pimephales promelas) Larval Survival and Growth Test Method, (1000.0) EPA 600-4-91-002, July 1994 or most recent update.

(2) Any circumstances not covered by the above methods, or that require deviation from the specified methods shall first be approved by the IDEM's Environmental Toxicology and Chemistry Section.

(3) The determination of effluent toxicity shall be made in accordance with the Data Analysis general procedures for acute and chronic toxicity endpoints as outlined in Section 9, and in Sections 11 and 13 of the respective Test Method (1000.0 and 1002.0) of Short-term Methods of Estimating the Chronic Toxicity of Effluent and Receiving Water to Freshwater Organisms (EPA-600-4-91-002), Fourth Edition, July 1994 or most recent update.

b. Types of Bioassay Tests

The permittee shall conduct a 7-day Cladoceran (Ceriodaphnia dubia) Survival and Reproduction Test and a 7-day Fathead Minnow (Pimephales promelas) Larval Survival and Growth Test on samples of the final effluent. All tests will be conducted on 24-hour composite samples of final effluent. All test solutions shall be renewed daily. On days three and five fresh 24-hour composite samples of the effluent collected on alternate days shall be used to renew the test solutions.

If in any control more than 10% of the test organisms die in 96 hours, or more than 20% of the test organisms die in 7 days, that test (control and effluent) shall be repeated. In addition, if in the Ceriodaphnia test the number of newborns produced per female, or if 60% of females have less than three broods; and in the fathead minnow test if the mean dry weight in the control group is less than 25 mg, that test shall also be repeated. Such testing will determine whether the effluent affects the survival, reproduction, and/or growth of the test organisms. Results of all tests regardless of completion must be reported to IDEM.

c. Effluent Sample Collection and Chemical Analysis

(1) Samples for the purposes of Whole Effluent Toxicity Testing, will be taken at a point that is representative of the discharge, but prior to discharge. The maximum holding time for whole effluent is 36 hours for a 24 hour composite sample. Bioassay tests must be started within 36 hours after termination of the 24 hour composite sample collection. Bioassay of effluent sampling may be coordinated with other permit sampling requirements as appropriate to avoid duplication.

(2) Chemical analysis must accompany each effluent sample taken for bioassay test. The analysis detailed under Part I.A. should be conducted for the effluent sample. Chemical analysis must comply with approved EPA test methods.

d. Testing Frequency and Duration

The chronic toxicity tests specified in paragraph b above shall be conducted monthly for a period of three months. If no toxicity is demonstrated as defined in paragraph f, the permittee may reduce the number of species tested to only include the species demonstrated to be most sensitive to the toxicity in the effluent and shall conduct chronic toxicity testing once annually thereafter for the duration of this permit.

If toxicity is demonstrated as defined under paragraph f, the permittee is required to conduct a toxicity reduction evaluation (TRE) as specified in Section 2 below.

e. Reporting

(1) Results shall be reported according to EPA 600/4-91-002, Section 10 (Report Preparation). Two copies of the completed report for each test shall be submitted to the Data Management Section of the IDEM no later than sixty days after completion of the test.

(2) For quality control, the report shall include the results of appropriate standard reference toxic pollutant tests for acute and chronic endpoints and historical reference toxic pollutant data with mean values and appropriate ranges for the respective test species Ceriodaphnia dubia and Pimephales promelas. Biomonitoring reports must also include copies of Chain-of-Custody Records and Laboratory raw data sheets.

(3) Statistical procedures used to analyze and interpret toxicity data including critical values of significance used to evaluate each point of toxicity should be described and included as part of the biomonitoring report.

f. Demonstration of Toxicity

(1) Acute toxicity will be demonstrated if the effluent is observed to have LC_{50} of less than 100% effluent for the test organism in 48 and 96 hours for Ceriodaphnia dubia or Pimephales promelas, which ever is more sensitive.

(2) Chronic toxicity will be demonstrated if the No Observed Adverse Effect Level (NOAEL) is less than **82.6%** for Ceriodaphnia dubia or Pimephales promelas.

(3) If acute or chronic toxicity is found in any of the tests specified above, a confirmation toxicity test using the specified methodology and same test species shall be conducted within two weeks of the completion of the failed test to confirm results. If any two tests, including any and all confirmation tests, indicate the presence of toxicity, the permittee must begin the implementation of a Toxicity Reduction Evaluation (TRE) as described below. The whole effluent toxicity tests required above may be suspended while the TRE is being conducted.

2. Toxicity Reduction Evaluation (TRE) Schedule of Compliance

The development and implementation of a TRE (including any post-TRE biomonitoring requirements) is only required if toxicity is demonstrated as defined by Paragraph 1.f.

a. Development of TRE Plan

Within 90 days of determination of toxicity, the permittee shall submit plans for an effluent toxicity reduction evaluation (TRE) to the Data Management Section of the IDEM. The TRE plan shall include appropriate measures to characterize the causative toxicant and the variability associated with these compounds. Guidance on conducting effluent toxicity reduction evaluations is available from EPA and from the EPA publications listed below:

(1) Methods for Aquatic Toxicity Identification Evaluations:

Phase I Toxicity Characterization Procedures, Second Edition (EPA/600/6-91/003), February 1991.

Phase II Toxicity Identification Procedures (EPA 600/3-88/035), February 1989.

Phase III Toxicity Confirmation Procedures (EPA/600/3-88/036), February 1989.

(2) Methods for Chronic Toxicity Identification
Phase I Characterization of Chronically Toxic Effluents EPA/600/6-91/005, June 1991.

(3) Generalized Methodology for Conducting Industrial Toxicity Reduction Evaluations (EPA/600/2-88/070), March 1989.

(4) Toxicity Reduction Evaluation Protocol for Municipal Wastewater Treatment Plants (EPA/600/2-88/062), April 1989.

b. Conduct the Plan

Within 30 days after submission of the TRE plan to the IDEM, the permittee must initiate an effluent TRE consistent with the TRE plan. Progress reports shall be submitted every 90 days to the Data Management and Compliance Evaluation Sections of the Office of Water Quality (OWQ) beginning 90 days after initiation of the TRE study.

c. Reporting

Within 90 days of the TRE study completion, the permittee shall submit to the Data Management and Compliance Evaluation Sections of the Office of Water Quality (OWQ) the final study results and a schedule for reducing the toxicity to acceptable levels through control of the toxicant source or treatment of whole effluent.

d. Compliance Date

The permittee shall complete items a, b, and c from Section 2 and reduce the toxicity to acceptable levels as soon as possible but no later than three years after the date of determination of toxicity.

e. Post-TRE Biomonitoring Requirements (Only Required After Completion of a TRE)

After the TRE, the permittee shall conduct monthly toxicity tests with 2 or more species for a period of three months. Should three consecutive monthly tests demonstrate no toxicity, the permittee may reduce the number of species tested to only include the species demonstrated to be most sensitive to the toxicity in the effluent, and conduct chronic tests every six months for the duration of the permit.

If toxicity is demonstrated as defined in paragraph 1.f after the initial three month period, testing must revert to a TRE as in Part 2 (TRE). These tests shall be conducted in accordance with the procedures under the Whole Effluent Toxicity Testing Section.

PART II
STANDARD CONDITIONS FOR NPDES PERMITS

A. GENERAL CONDITIONS

1. Duty to Comply

The permittee shall comply with all terms and conditions of this permit in accordance with 327 IAC 5-2-8(1) and all requirements of 327 IAC 5-2-8. Any permit noncompliance constitutes a violation of the Clean Water Act and IC 13 and is grounds for enforcement action or permit termination, revocation and reissuance, modification, or denial of a permit renewal application.

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.

2. Duty to Mitigate

In accordance with 327 IAC 5-2-8(3), the permittee shall take all reasonable steps to minimize or correct any adverse impact to the environment resulting from noncompliance with this permit. During periods of noncompliance, the permittee shall conduct such accelerated or additional monitoring for the affected parameters, as appropriate or as requested by IDEM, to determine the nature and impact of the noncompliance.

3. Duty to Provide Information

The permittee shall submit any information that the permittee knows or has reason to believe would constitute cause for modification or revocation and reissuance of the permit at the earliest time such information becomes available, such as plans for physical alterations or additions to the facility that:

a. could significantly change the nature of, or increase the quantity of, pollutants discharged; or

b. the Commissioner may request to evaluate whether such cause exists.

In accordance with 327 IAC 5-1-3(a)(5), the permittee must also provide any information reasonably requested by the Commissioner.

4. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must obtain and submit a renewal of this permit in accordance with 327 IAC 5-3-2(a)(2). It is the permittee's responsibility to obtain and submit the application. In accordance with 327 IAC 5-2-3(c), the owner of the facility or operation from which a discharge of pollutants occurs is responsible for applying for and obtaining the NPDES permit, except where the facility or operation is operated by a person other than an employee of the owner in which case it is the operator's responsibility to apply for and obtain the permit. The application must be submitted at least 180 days before the expiration date of this permit. This deadline may be extended if:

a. permission is requested in writing before such deadline;

b. IDEM grants permission to submit the application after the deadline; and

c. the application is received no later than the permit expiration date.

As required under 327 IAC 5-2-3(g)(1) and (2), POTWs with design influent flows equal to or greater than one million (1,000,000) gallons per day and POTWs with an approved pretreatment program or that are to required to develop a pretreatment program, will be required to provide the results of whole effluent toxicity testing as part of their NPDES renewal application.

5. Transfers

In accordance with 327 IAC 5-2-8(4)(D), this permit is nontransferable to any person except in accordance with 327 IAC 5-2-6(c). This permit may be transferred to another person by the permittee, without modification or revocation and reissuance being required under 327 IAC 5-2-16(c)(1) or 16(e)(4), if the following occurs:

a. the current permittee notified the Commissioner at least thirty (30) days in advance of the proposed transfer date.

b. a written agreement containing a specific date of transfer of permit responsibility and coverage between the current permittee and the transferee (including acknowledgment that the existing permittee is liable for violations up to that date, and the transferee is liable for violations from that date on) is submitted to the Commissioner.

c. the transferee certifies in writing to the Commissioner their intent to operate the facility without making such material and substantial alterations or additions to the

facility as would significantly change the nature or quantities of pollutants discharged and thus constitute cause for permit modification under 327 IAC 5-2-16(d). However, the Commissioner may allow a temporary transfer of the permit without permit modification for good cause, e.g., to enable the transferee to purge and empty the facility's treatment system prior to making alterations, despite the transferee's intent to make such material and substantial alterations or additions to the facility.

d. the Commissioner, within thirty (30) days, does not notify the current permittee and the transferee of the intent to modify, revoke and reissue, or terminate the permit and to require that a new application be filed rather than agreeing to the transfer of the permit.

The Commissioner may require modification or revocation and reissuance of the permit to identify the new permittee and incorporate such other requirements as may be necessary under the Clean Water Act or state law.

6. Permit Actions

In accordance with 327 IAC 5-2-16(b) and 327 IAC 5-2-8(4), this permit may be modified, revoked and reissued, or terminated for cause, including, but not limited to, the following:

a. Violation of any terms or conditions of this permit;

b. Failure of the permittee to disclose fully all relevant facts or misrepresentation of any relevant facts in the application, or during the permit issuance process; or

c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge controlled by the permittee (e.g., plant closure, termination of the discharge b connecting to a POTW, a change in state law or information indicating the discharge poses a substantial threat to human health or welfare).

Filing of either of the following items does not stay or suspend any permit condition: (1) a request by the permittee for a permit modification, revocation and reissuance, or termination, or (2) submittal of information specified in Part II.A.3 of the permit including planned changes or anticipated noncompliance.

7. Property Rights

Pursuant to 327 IAC 5-2-8(6) and 327 IAC 5-2-5(b), the issuance of this permit does not convey any property rights of any sort or any exclusive privileges, nor does it authorize any injury to persons or private property or an invasion of rights, any infringement of

federal, state, or local laws or regulations. The issuance of the permit also does not preempt any duty to obtain any other state, or local assent required by law for the discharge or for the construction or operation of the facility from which a discharge is made.

8. Severability

In accordance with 327 IAC 1-1-3, the provisions of this permit are severable and, if any provision of this permit or the application of any provision of this permit to any person or circumstance is held invalid, the invalidity shall not affect any other provisions or applications of the permit which can be given effect without the invalid provision or application.

9. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject to under Section 311 of the Clean Water Act.

10. State Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by Section 510 of the Clean Water Act or state law.

11. Penalties for Violation of Permit Conditions

Pursuant to IC 13-30-4, a person who violates any provision of this permit, the water pollution control laws; environmental management laws; or a rule or standard adopted by the Water Pollution Control Board is liable for a civil penalty not to exceed twenty-five thousand dollars ($25,000) per day of any violation. Pursuant to IC 13-30-5, a person who obstructs, delays, resists, prevents, or interferes with (1) the department; or (2) the department's personnel or designated agent in the performance of an inspection or investigation commits a class C infraction. Pursuant to IC 13-30-6, a person who intentionally, knowingly, or recklessly violates any provision of this permit, the water pollution control laws or a rule or standard adopted by the Water Pollution Control Board commits a class D felony punishable by the term of imprisonment established under IC 35-50-2-7(a) (up to one year), and/or by a fine of not less than five thousand dollars ($5,000) and not more than fifty thousand dollars ($50,000) per day of violation. A person convicted for a violation committed after a first conviction of such person under this provision is subject to a fine of not more than one hundred thousand dollars

($100,000) per day of violation, or by imprisonment for not more than two (2) years, or both.

12. Penalties for Tampering or Falsification

In accordance with 327 IAC 5-2-8(9), the permittee shall comply with monitoring, recording, and reporting requirements of this permit. The Clean Water Act, as well as IC 13-30-6-2 and IC 35-50-3-3, provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under a permit shall, upon conviction, be punished by a fine of not more than ten thousand dollars ($10,000) per violation, or by imprisonment for not more than one hundred eighty (180) days per violation, or by both.

13. Toxic Pollutants

If any applicable effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under Section 307(a) of the Clean Water Act for a toxic pollutant injurious to human health, and that standard or prohibition is more stringent than any limitation for such pollutant in this permit, this permit shall be modified or revoked and reissued to conform to the toxic effluent standard or prohibition in accordance with 327 IAC 5-2-8(5). Effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants injurious to human health are effective and must be complied with, if applicable to the permittee, within the time provided in the implementing regulations, even absent permit modification.

14. Operator Certification

The permittee shall have the wastewater treatment facilities under the direct supervision of an operator certified by the Commissioner in a classification corresponding to the classification of the wastewater treatment plant as required by IC 13-18-11-11 and 327 IAC 5-22.

In order to operate a wastewater treatment plant the operator shall have qualifications as established in 327 IAC 5-22-7. The permittee shall designate one (1) person shall be as the certified operator with complete responsibility for the proper operations of the wastewater facility.

327 IAC 5-22-10(b) provides that a certified operator may be designated as being in responsible charge of more than one (1) wastewater treatment plant, if it can be shown that he will give adequate supervision to all units involved. Adequate supervision means that sufficient time is spent at the plant on a regular basis to assure that the certified operator is knowledgeable of the actual operations and that test reports and results are

representative of the actual operations conditions. In accordance with 327 IAC 5-22-3(10), "responsible charge" means the person responsible for the overall daily operation, supervision, or management of a wastewater facility.

Pursuant to 327 IAC 5-22-10(a), the permittee shall notify IDEM when there is a change of the person serving as the certified operator in responsible charge of the wastewater treatment facility. The notification shall be made no later than thirty (30) days after a change in the operator.

15. Construction Permit

Except in accordance with 327 IAC 3, the permittee shall not construct, install, or modify any water pollution treatment/control facility as defined in 327 IAC 3-1-2(24). Upon completion of any construction, the permittee must notify the Compliance Evaluation Section of the Office of Water Quality in writing.

16. Inspection and Entry

In accordance with 327 IAC 5-2-8(7), the permittee shall allow the Commissioner, or an authorized representative, (including an authorized contractor acting as a representative of the Commissioner)upon the presentation of credentials and other documents as may be required by law, to:

a. Enter upon the permittee's premises where a point source, regulated facility, or activity is located or conducted, or where records must be kept pursuant to the conditions of this permit;

b. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of this permit;

c. Inspect at reasonable times any facilities, equipment or methods (including monitoring and control equipment), practices, or operations regulated or required pursuant to this permit; and

d. Sample or monitor at reasonable times, any discharge of pollutants or internal wastestreams for the purposes of evaluating compliance with the permit or as otherwise authorized.

17. New or Increased Discharge of Pollutants

a. The permittee is prohibited from undertaking any deliberate action that would result in a new or increased discharge of a bioaccumulative chemical of concern (BCC) or a

new or increased permit limit for a pollutant or pollutant parameter that is not a BCC unless one (1) of the following is completed prior to the commencement of the action:

(1) Information is submitted to the commissioner demonstrating that the proposed new or increased discharge will not cause a significant lowering of water quality as defined under 327 IAC 5-2-11.3(b)(1). Upon review of this information, the commissioner may request additional information or may determine that the proposed increase is a significant lowering of water quality and require the submittal of an antidegradation demonstration.

(2) An antidegradation demonstration is submitted and approved in accordance with subdivisions (3) through (6).

b. The permittee is prohibited from allowing a new or increased discharge of a BCC from:

(1) an existing industrial user proposing to increase or add a process wastestream; or

(2) a proposed new industrial user that will have a process wastestream;

where the process wastestream contains a BCC at concentrations detectable using the most sensitive analytical method for the BCC contained in 40 CFR 136 or approved by the commissioner, except as provided under subsection (c).

c. A new or increased discharge of a BCC from an existing or proposed industrial user is not prohibited under subsection (b) if one (1) of the following is completed prior to the commencement of the discharge:

(1) Information is submitted to the commissioner demonstrating that the proposed new or increased discharge will not cause a significant lowering of water quality as defined under 327 IAC 5-2-11.3(b)(1). Upon review of this information, the commissioner may request additional information or may determine that the proposed increase is a significant lowering of water quality and require the submittal of an antidegradation demonstration.

(2) An antidegradation demonstration is submitted and approved in accordance with subdivisions (3) through (6).

d. The permittee shall monitor for any BCC known or believed to be present in the discharge, whether or not the permit contains a limit for that pollutant. If there is an increase in the loading of a BCC, above normal variability and attributable to a deliberate action, the discharger shall notify the Commissioner of the increase unless either:

(1) the discharger has submitted the information required under 327 IAC 5-2-11.3(b)(2)(A)(i) for the increase; or

(2) an antidegradation demonstration for the increase has been approved under 327 IAC 5-2-11.3(b)(5).

If the increase is determined to be a significant lowering of water quality, as defined under 327 IAC 5-2-11.3(b)(1), the Commissioner shall require reduction or elimination of the increase.

e. If the permittee seeks to significantly lower water quality in a high quality water for any pollutant or pollutant parameter, the permittee must first submit an antidegradation demonstration for consideration and approval by the Commissioner, in accordance with 327 IAC 5-2-11.3(b).

B. MANAGEMENT REQUIREMENTS

1. Facility Operation, Maintenance and Quality Control

a. In accordance with 327 IAC 5-2-8(8), the permittee shall at all times maintain in good working order and efficiently operate all facilities and systems (and related appurtenances) for collection and treatment that are:

(1) installed or used by the permittee; and

(2) necessary for achieving compliance with the terms and conditions of the permit.

Neither 327 IAC 5-2-8(8), nor this provision, shall be construed to require the operation of installed treatment facilities that are unnecessary for achieving compliance with the terms and conditions of the permit.

b. The permittee shall operate the permitted facility in a manner which will minimize upsets and discharges of excessive pollutants. The permittee shall properly remove and dispose of excessive solids and sludges.

c. The permittee shall provide an adequate operating staff which is duly qualified to carry out the operation, maintenance, and testing functions required to ensure compliance with the conditions of this permit.

d. Maintenance of all waste collection, control, treatment, and disposal facilities shall be conducted in a manner that complies with the bypass provisions set forth below.

e. Any extensions to the sewer system must continue to be constructed on a separated basis. Plans and specifications, when required, for extension of the sanitary system must be submitted to the Facility Construction Section, Office of Water Quality in accordance with 327 IAC 3-2-1. There shall also be an ongoing preventative maintenance program for the sanitary sewer system.

2. Bypass of Treatment Facilities

Pursuant to 327 IAC 5-2-8(11):

a. Terms as defined in 327 IAC 5-2-8(11)(A):

(1) "Bypass" means the intentional diversion of a waste stream from any portion of a treatment facility.

(2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

b. Bypasses, as defined above, are prohibited, and the Commissioner may take enforcement action against a permittee for bypass, unless:

(1) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage, as defined above;

(2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance; and

(3) The permittee submitted notices as required under Part II.B.2.d; or

(4) The condition under Part II.B.2.f below is met.

c. Bypasses are subject to the "Spill Response and Reporting Requirements" in Part II.C.9 of this permit.

d. The permittee must provide the Commissioner with the following notice:

(1) If the permittee knows or should have known in advance of the need for a bypass (anticipated bypass), it shall submit prior written notice. If possible, such notice shall be provided at least ten (10) days before the date of the bypass for approval by the Commissioner.

(2) The permittee shall orally report an unanticipated bypass within 24 hours of becoming aware of the bypass event. The permittee must also provide a written report within five (5) days of the time the permittee becomes aware of the bypass event. The written report must contain a description of the noncompliance (i.e. the bypass) and its cause; the period of noncompliance, including exact dates and times; if the cause of noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent recurrence of the bypass event.

e. The Commissioner may approve an anticipated bypass, after considering its adverse effects, if the Commissioner determines that it will meet the conditions listed above in Part II.B.2.b. The Commissioner may impose any conditions determined to be necessary to minimize any adverse effects.

f. The permittee may allow any bypass to occur that does not cause a violation of the effluent limitations in the permit, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Part II.B.2.b.,d and e of this permit.

3. Upset Conditions

Pursuant to 327 IAC 5-2-8(12):

a. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

b. An upset shall constitute an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of Paragraph c of this subsection, are met.

c. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence, that:

(1) An upset occurred and the permittee has identified the specific cause(s) of the upset, if possible;

(2) The permitted facility was at the time being operated in compliance with proper operation and maintenance procedures;

(3) The permittee complied with any remedial measures required under "Duty to Mitigate", Part II.A.2; and

(4) The permittee submitted notice of the upset as required in the “Twenty-Four Hour Reporting Requirements,” Part II.C.3, or the “Spill Response and Reporting Requirements,” Part II.C.9, whichever is applicable.

4. Removed Substances

Solids, sludges, filter backwash, or other pollutants removed from or resulting from treatment or control of wastewaters shall be disposed of in a manner such as to prevent any pollutant from such materials from entering waters of the State, and to be in compliance with all Indiana statutes and regulations relative to liquid and/or solid waste disposal.

a. Collected screenings, slurries, sludges, and other such pollutants shall be disposed of in accordance with provisions set forth in 329 IAC 10, 327 IAC 6.1, or another method approved by the Commissioner.

b. The permittee shall comply with existing federal regulations governing solids disposal, and with applicable provisions of 40 CFR Part 503, the federal sludge disposal regulation standards.

c. The permittee shall notify the Commissioner prior to any changes in sludge use or disposal practices.

d. The permittee shall maintain records to demonstrate its compliance with the above disposal requirements.

5. Power Failures

In accordance with 327 IAC 5-2-10 and 327 IAC 5-2-8(13) in order to maintain compliance with the effluent limitations and prohibitions of this permit, the permittee shall either:

a. provide an alternative power source sufficient to operate facilities utilized by the permittee to maintain compliance with the effluent limitations and conditions of this permit, or

b. shall halt, reduce or otherwise control all discharge in order to maintain compliance with the effluent limitations and conditions of this permit upon the reduction, loss, or failure of one or more of the primary sources of power to facilities utilized by the permittee to maintain compliance with the effluent limitations and conditions of this permit.

C. REPORTING REQUIREMENTS

1. Planned Changes in Facility or Discharge

Pursuant to 327 IAC 5-2-8(10)(F) and 5-2-16(d), the permittee shall give notice to the Commissioner as soon as possible of any planned alterations or additions to the facility (which includes any point source) that could significantly change the nature of, or increase the quantity of, pollutants discharged. Following such notice, the permit may be modified to revise existing pollutant limitations and/or to specify and limit any pollutants not previously limited. Material and substantial alterations or additions to the permittee's operation that were not covered in the permit (e.g., production changes, relocation or combination of discharge points, changes in the nature or mix of products produced) are also cause for modification of the permit. However those alterations which constitute total replacement of the process or the production equipment causing the discharge converts it into a new source, which requires the submittal of a new NPDES application.

2. Monitoring Reports

Pursuant to 327 IAC 5-2-8(9), 327 IAC 5-2-13, and 327 IAC 5-2-15, monitoring results shall be reported at the intervals and in the form specified in "Data On Plant Operation", Part I.B.2.

3. Twenty-Four Hour Reporting Requirements

Pursuant to 327 IAC 5-2-8(10), the permittee shall orally report to the Commissioner information on the following types of noncompliance within 24 hours from the time permittee becomes aware of such noncompliance. If the noncompliance meets the requirements of item b (Part II.C.3.b) or the Spill Response and Reporting Requirements of Part II.C.9 of this permit, then the report shall be made within those prescribed time frames.

a. Any unanticipated bypass which exceeds any effluent limitation in the permit;

b. Any noncompliance which may pose a significant danger to human health or the environment. Reports under this item shall be made as soon as the permittee becomes aware of the noncomplying circumstances by calling 317/233-7745 (888/233-7745 toll free in Indiana);

c. Any upset (as defined in Part II.B.3 above) that exceeds any technology-based effluent limitations in the permit;

d. The presence of foam in the discharge in more than trace amounts;

e Any discharge from the sanitary sewer system;

f. Any dry weather discharge from a combined sewer overflow which is identified in this permit; and

g. Violation of a maximum daily discharge limitation for any of the following toxic pollutants: **Mercury.**

The permittee can make the oral reports by calling 317/232-8670 during regular business hours or by calling 317/233-7745 (888/233-7745 toll free in Indiana) during non-business hours. A written submission shall also be provided within five (5) days of the time the permittee becomes aware of the circumstances. The written submission shall contain: a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and, if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce and eliminate the noncompliance and prevent its recurrence. The Commissioner may waive the written report on a case-by-case basis if the oral report has been received within 24 hours. Alternatively the permittee may submit a “Bypass Overflow/Incident Report” or a “Noncompliance Notification Report”, whichever is applicable, to IDEM at 317/232-8637. If a complete fax submittal is sent within 24 hours of the time that the permittee became aware of the occurrence, then the fax report will satisfy both the oral and written reporting requirements.

4. Other Noncompliance

Pursuant to 327 IAC 5-2-8(10)(D), the permittee shall report any instance of noncompliance not reported under the "Twenty-Four Hour Reporting Requirements" in Part II.C.3, not related to the failure to report planned changes in the permitted facility, or not relating to any compliance schedules at the time the pertinent Discharge Monitoring Report is submitted. The written submission shall contain: a description of the

noncompliance and its cause; the period of noncompliance, including exact dates and times, and, if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent the noncompliance.

5. Other Information

Pursuant to 327 IAC 5-2-8(10)(E), where the permittee becomes aware that it failed to submit any relevant facts or submitted incorrect information in a permit application or in any report to the Commissioner, the permittee shall promptly submit such facts or corrected information to the Commissioner.

6. Signatory Requirements

Pursuant to 327 IAC 5-2-22 and 327 IAC 5-2-8(14):

a. All reports required by the permit and other information requested by the Commissioner shall be signed and certified by a person described below or by a duly authorized representative of that person:

(1) For a corporation: by a principal executive defined as a president, secretary, treasurer, any vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy-making functions for the corporation or the manager of one or more manufacturing, production, or operating facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five million dollars ($25,000,000) (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

(3) For a federal, state, or local governmental body or any agency or political subdivision thereof: by either a principal executive officer or ranking elected official.

b. A person is a duly authorized representative only if:

(1) The authorization is made in writing by a person described above.

(2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, or position of equivalent responsibility. (a duly authorized representative may thus be either a named individual or any individual occupying a named position); and

(3) The authorization is submitted to the Commissioner.

c. Certification. Any person signing a document identified under paragraphs a and b of this section, shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

7. Availability of Reports

Except for data determined to be confidential under 327 IAC 12.1, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Indiana Department of Environmental Management and the Regional Administrator. As required by the Clean Water Act, permit applications, permits, and effluent data shall not be considered confidential.

8. Penalties for Falsification of Reports

IC 13-30 and 327 IAC 5-2-8(14) provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance, shall, upon conviction, be punished by a fine or not more than $10,000 per violation, or by imprisonment for not more than 180 days per violation, or by both.

9. Spill Response and Reporting Requirements

The permittee is required to comply with all spill response and reporting requirements set forth in 327 IAC 2-6.1, including 327 IAC 2-6.1-7. The permittee is required to communicate a spill report for any spill as defined in 327 IAC 2-6.1-4(15) that meets the

criteria in 327 IAC 2-6.1-5 as soon as possible, but no later than two (2) hours after the permittee becomes aware of the occurrence. The spill report must be communicated to IDEM's Office of Land Quality, Emergency Response Section at 317/233-7745 or 888/233-7745 (toll-free within Indiana).

The reporting requirements of 327 IAC 2-6.1 do not apply to those discharges or exceedances that are under the jurisdiction of an applicable permit when the substance in question is covered by the permit and death or acute injury or illness to animals or humans does not occur. In order for a discharge or exceedance to be under the jurisdiction of this NPDES permit, the substance in question (a) must have been discharged in the normal course of operation from an outfall listed in this permit, and (b) must have been discharged from an outfall for which the permittee has authorization to discharge that substance.

10. Progress Reports

In accordance with 327 IAC 5-2-8(10)(A), reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than fourteen (14) days following each schedule date.

11. Advance Notice for Planned Changes

In accordance with 327 IAC 5-2-8(10)(B), the permittee shall give advance notice to IDEM of any planned changes in the permitted facility, any activity, or other circumstances that the permittee has reason to believe may result in noncompliance with permit requirements.

12. Additional Requirements for POTWs and/or Treatment Works Treating Domestic Sewage

a. All POTWs shall identify, in terms of character and volume of pollutants, any significant indirect discharges into the POTW which are subject to pretreatment standards under section 307(b) and 307 (c) of the CWA.

b. All POTWs must provide adequate notice to the Commissioner of the following:

(1) Any new introduction of pollutants into the POTW from an indirect discharger that would be subject to section 301 or 306 of the CWA if it were directly discharging those pollutants.

(2) Any substantial change in the volume or character of pollutants being introduced into that POTW by any source where such change would render the source subject to pretreatment standards under section 307(b) or 307(c) of the CWA or would result in a modified application of such standards.

As used in this clause, "adequate notice" includes information on the quality and quantity of effluent introduced into the POTW, and any anticipated impact of the change on the quantity or quality of the effluent to be discharged from the POTW.

c. This permit incorporates any conditions imposed in grants made by the U.S. EPA and/or IDEM to a POTW pursuant to Sections 201 and 204 of the Clean Water Act, that are reasonably necessary for the achievement of effluent limitations required by Section 301 of the Clean Water Act.

d. This permit incorporates any requirements of Section 405 of the Clean Water Act governing the disposal of sewage sludge from POTWs or any other treatment works treating domestic sewage for any use for which rules have been established in accordance with any applicable rules.

e. POTWs must develop and submit to the Commissioner a POTW pretreatment program when required by 40 CFR 403 and 327 IAC 5-19-1, in order to assure compliance by industrial users of the POTW with applicable pretreatment standards established under Sections 307(b) and 307(c) of the Clean Water Act. The pretreatment program shall meet the criteria of 327 IAC 5-19-3 and, once approved, shall be incorporated into the POTW's NPDES permit.

PART III

REQUIREMENT TO OPERATE
A PRETREATMENT PROGRAM

A. CONDITIONS

The permittee, hereinafter referred to as the "Control Authority," is required to operate its approved industrial pretreatment program approved on May 21, 1986 and modified as approved on May 18, 1998. To ensure the program is operated as approved and consistent with 327 IAC 5-16 through 5-21, the following conditions and reporting requirements are hereby established. The Control Authority (CA) shall:

1. LEGAL AUTHORITY - The CA shall develop, enforce and maintain adequate legal authority in its Sewer Use Ordinance (SUO) to fully implement the pretreatment program in compliance with State and local law. As part of this requirement, the CA shall develop and maintain local limits as necessary to implement the prohibitions and standards in 327 IAC 5-18.

2. PERMIT ISSUANCE - In accordance with 327 IAC 5-19-3(1) the CA is required to issue/reissue permits to Significant Industrial User(s) (SIU) as stated in the SUO. The CA must issue permits to new SIUs prior to the commencement of discharge. A SIU is defined in the SUO.

3. INDUSTRIAL COMPLIANCE MONITORING - The CA is required to conduct inspection, surveillance, and monitoring activities to determine SIU compliance status with the approved program and the SUO independent of data supplied by the SIU. SIU compliance monitoring performed by the CA will be conducted in accordance with the program plan or yearly program plan. SIUs will be inspected once per year, at a minimum.

4. ENFORCEMENT - The CA is required to initiate the appropriate enforcement action against a SIU violating any provision of the SUO and/or discharge permit in accordance with the Enforcement Response Procedures (ERP) adopted by the CA. The CA must investigate violations by collecting and analyzing samples and collecting other information with sufficient care to produce evidence admissible in enforcement proceedings or in judicial actions in accordance with 40 CFR 403.8(f)(1)(iii) and 327 IAC 5-19-3(1)(F).

5. SIU QUARTERLY NONCOMPLIANCE REPORT - The CA is required to report the compliance status of each SIU quarterly. The report is due by the 28th of the following months: May, August, November and February of each year. The report shall include a

description of corrective actions that have or will be taken by the CA and SIU to resolve the noncompliance situations. This report is to be sent to the Compliance Branch of the Office of Water Quality.

6. PUBLIC PARTICIPATION AND ANNUAL PUBLISHING OF SIUs IN SIGNIFICANT NONCOMPLIANCE - The CA is required to comply with the public participation requirements under 40 CFR 25 and 327 IAC 5-19-3(2)(L). The CA must publish annually, by March 28, in the largest daily newspaper in the area, a list of SIUs that have been in significant noncompliance (SNC) with the SUO during the calendar year. The CA shall include in the ANNUAL REPORT a list of the SIUs published along with the newspaper clipping.

7. ANNUAL REPORT - The CA is required to submit an annual report to the Pretreatment Group by April 15, of each year. The annual report will be submitted in accordance with the State supplied "POTW PRETREATMENT PROGRAM ANNUAL REPORT GUIDANCE."

8. RECORDS RETENTION - Pursuant to 327 IAC 5-16-5(d), the CA shall retain any pretreatment reports from an industrial user a minimum of three (3) years and shall make such reports available for inspection and copying by IDEM or the U.S. EPA. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the industrial user, the operation of the POTW pretreatment program or when requested by IDEM or the U.S. EPA.

9. CONFIDENTIALITY - The CA is required to comply with all confidentiality requirements set forth in 40 CFR 403.14, as well as the procedures established in the SUO.

10. PROGRAM RESOURCES - Pursuant to 327 IAC 5-19-3(3), The CA shall maintain sufficient resources and qualified personnel to carry out the pretreatment program requirements.

11. INTERJURISDICTIONAL AGREEMENTS - The CA must maintain sufficient legal authority to ensure compliance with all applicable pretreatment limits and requirements by all SIUs discharging to the POTW, including SIUs within governmental jurisdictions outside the immediate jurisdiction of the POTW. The CA must maintain the interjurisdictional agreements necessary to ensure full compliance by SIUs located within other jurisdictions as discussed in 40 CFR 403.8(f)(1).

12. POTW PRETREATMENT PROGRAM REVISION REQUIREMENTS - The CA is required to update its pretreatment program and SUO in accordance with the Pretreatment

Implementation Review Task Force (PIRT) revisions and the Domestic Sewage Study (DSS) rule. The updating shall be completed according to the following schedule:

a. The CA shall re-evaluate its pretreatment program for consistency with 40 CFR 403, particularly the PIRT and DSS revisions, then submit a draft of any program modification, with a request for approval of the modification under 40 CFR 403.18, to the Pretreatment Group and the U.S. EPA, Region 5, within nine months of the effective date of this permit. The program modification must include a technical re-evaluation of the local limits.

   The request must identify or highlight the new provisions in the modification (or pre-existing provisions in the original program) that fulfill the requirements of the PIRT and DSS revisions. A guidance document is available from the Pretreatment Group that outlines the procedures for modifying POTW pretreatment programs and the PIRT and DSS provisions that must be in the programs.

b. The CA shall make any changes to its pretreatment program necessary for the program to be consistent with 40 CFR 403, particularly the PIRT and DSS revisions, within 90 days after approval by the approval authority.

c. The CA shall issue pretreatment permits to all SIUs (or modify existing SIU permits) that are affected by the revisions within one year after approval of the revisions by the approval authority.

13. PROGRAM MODIFICATION - Pursuant to 327 IAC 5-19-6 and 40 CFR 403.18, any significant proposed program modification shall be submitted to the Pretreatment Group and the U.S. EPA for approval. A significant modification shall include, but not be limited to, any change in the SUO, major modification in the approval program's administrative procedures, a significant reduction in monitoring procedures, a significant change in the financial/revenue system, a significant change in the local limitations contained in the SUO, and a change in the industrial survey.

NOTE: A summary of the revisions to the General Pretreatment Regulations (40 CFR 403) is available from the Operator Assistance and Pretreatment Section.

B. POLLUTANT LOADING STUDY

This pollutant loading study is required to identify sources of mercury within the entire sewage collection and treatment system. The study in identifying sources of mercury shall include sampling locations of representative sources of mercury including: hospitals; universities; industrial research facilities both past and present; and other potential sources of

mercury. The permittee shall develop a sampling and analysis plan for mercury, which shall be subject to the requirements as set forth in Part III.B.1.b below.

1. DETERMINING THE LOADINGS

a. General Conditions

(1) All sampling required below will be by 24-Hr. Composite except for drinking water and nonpoint sources which shall be by grab sample.

(2) Analysis will be performed for all of the pollutants listed above.

(3) Flow measurement shall be taken at each sample site.

b. Mercury Sampling and Analysis Plan

a. The mercury sampling and analysis plan (hereinafter referred to as the MSAP) shall be submitted to the IDEM, OWQ, Compliance Evaluation Section, within ninety (90) days of the effective date of this permit.

b. The purpose of the MSAP is to identify representative sources of mercury that discharge into the sewage collection and treatment system and to quantify the amount of mercury being discharged by each type of source.

(3) The MSAP shall include but shall not be limited to the following:

(a) A proposal to identify each type of present or past actual or potential source of mercury (including dentist offices, laboratories, research facilities, hospitals, schools, universities, etc.) sufficient to yield a number of representative sources for mercury sampling that may be used to meet the purpose of the MSAP.

(b) A methodology for verifying (by means of monitoring and sampling or other means acceptable to IDEM) any studies used by the permittee to determine types or numbers of sources of mercury discharges or amounts of mercury discharged.

(c) An implementation plan to do the requisite samples at each present or potential source or representative source of mercury as identified in the MSAP.

(d) The use of EPA Method 245.1 or 245.2 (and 245.7 after it has been approved by EPA) as well as the development of a case-specific MDL for EPA Method 245.1 or 245.2 in those cases when the MDL is higher than 0.2 ug/l and a detailed description of how the permittee will quantify the concentration of mercury when the result is below the MDL for EPA Method 245.1 or 245.2 or justification of why the quantification is not needed.

(e) An explanation of how the MSAP will result in a credible and statistically valid means of determining the amount of mercury loading entering the sewage and treatment collection system from the identified sources.

(f) Time frames for MSAP implementation.

(4) The MSAP must be approved by IDEM prior to its implementation. If IDEM disapproves the MSAP, the permittee shall, within thirty (30) days of written notification of such disapproval, resubmit the plan for IDEM approval based upon IDEM=s recommendations.

(5) The permittee must begin implementation of the MSAP as approved by IDEM in accordance with the time frames set out in the MSAP.

c. Sources of Pollutants

There are at least four potential sources that the permittee should evaluate to determine the total pollutant loading entering the treatment plant: domestic, nonpoint, recycle streams (supernatant return) and industrial.

1. Domestic Sources: Conduct a study of the sewer system to determine the pollutant loading to the sewage plant from nonindustrial sources.

(a) Sample and analyze sewers containing domestic waste only. The permittee shall provide a schematic of the sewage system that identifies the location of the industrial users and where the sewer samples were taken. Sampling shall be performed two times a month at two different sites for a period of six months.

(b) Sample and analyze the City-supplied drinking water once per month for a period of six months.

2. Nonpoint Source Study: This part is to be performed only when part or all of the sewer system is combined.

Sample and analyze storm water runoff from selected areas, generally parking lots, streets, etc. These areas shall also be identified on the map. Sampling shall be performed during periods of rainfall. Sampling shall be performed for a period of six months with a minimum of one sample per month from each site chosen. There shall be no less than three sites sampled.

3. Industrial Source Study:

   Calculate the industrial loading from data generated in the compliance sampling program and IU self monitoring reports.

4. Recycle Streams: This includes all wastewater returned to the head of the plant.

   Sample and analyze each recycle stream or a combined stream two times a month for a period of six months.

2. REPORT ON THE STUDY

A report shall be prepared containing all of the sampling and analytical data collected. The report shall be submitted in the format contained in the State guidance "POLLUTANT LOADING STUDY REPORT GUIDANCE." The report shall summarize the information and describe the City's evaluation of the results. The report shall include a projected schedule for actions needed to attain compliance with the final effluent limitations. The report shall also determine the level of reduction of pollutant loading from industrial sources necessary to bring the wastewater treatment plant into compliance, taking into account the amount of pollutant loading reductions that can be achieved from domestic and nonpoint sources. The Office of Water Quality will provide the Control Authority with the necessary assistance to complete this evaluation.

The report shall consist of a cover letter, cover page, table of contents, summary of the results, the evaluation, maps identifying sampling sites, tables listing the analytical results and tables listing the pounds of pollutants from the percentage attributable to each source. The results of this study shall be due twenty-four months after the effective date of this permit and shall be submitted to the attention of the IDEM, OWQ, Compliance Branch.

ATTACHMENT A

Precipitation Related Combined Sewer Overflow Discharge Authorization Requirements

I. Discharge Requirements

A. The permittee is authorized to discharge from the outfalls listed below**,** subject to the requirements and provisions of this permit, including Attachment A.

Overflow Point	Location	Receiving Water
004	J02-90, 210' South of bridge at W. Jefferson & St. Mary's River Latitude 41E 04' 16" Longitude 85E 09' 44"	Saint Mary's River
005	J11-164, 210' Southeast of Manito Blvd. & Indiana Village Blvd. Latitude 41E 02' 50" Longitude 85E 09' 59"	Saint Mary's River
006	J11-222, 210' Southeast of Manito Blvd. & Indiana Village Blvd. Latitude 41E 02' 49" Longitude 85E 10' 00"	Saint Mary's River
007	K03-92, 250' Southeast of Electric Ave. & Brown St. & Brown St. Latitude 41E 03' 59" Longitude 85E 09' 41"	Saint Mary's River
011	K06-233, 230' Southeast of Main St. & Camp Allen Dr. Latitude 41E 04' 42" Longitude 85E 09' 17"	Saint Mary's River
012	K06-234, 230' Southeast of Main St. and Camp Allen Dr. Latitude 41E 04' 42" Longitude 85E 09' 17"	Saint Mary's River
013	K06-298, 80' North of Thieme Dr. & Berry St. Latitude 41E 04' 37" Longitude 85E 09' 22"	Saint Mary's River
014	K07-106, 60' West of Dinnen Ave. and Packard Ave. Latitude 41E 03' 19" Longitude 85E 09' 23"	Saint Mary's River
016	K07-109, 280' Southwest of Broadway & Kinsmoor Ave. Latitude 41E 03' 13" Longitude 85E 09' 25"	Saint Mary's River
017	K07-176, 130' Southwest of St. Mary's Pkwy &Waldron Circle Latitude 41E 03' 29" Longitude 85E 09' 32"	Saint Mary's River

018	K11-165, 150' West of Broadway & Rudisill Blvd. Latitude 41E 03' 00" Longitude 85E 09' 28"	Saint Mary's River
019	K11-178, 150' West of Broadway & Rudisill Blvd. Latitude 41E 03' 00" Longitude 85E 09' 28"	Saint Mary's River
020	K15-116,1300' West of Hartman Rd. & Westover Rd. Latitude 41E 02' 33" Longitude 85E 09' 41"	Saint Mary's River
021	K19-044, 850' West of Old Mill Rd. & Fairfax Ave. Latitude 41E 01' 57" Longitude 85E 09' 05"	Saint Mary's River
023	L06-103, 90' Northwest of Jackson St. & Superior St. Latitude 41E 04' 47" Longitude 85E 09' 09"	Saint Mary's River
024	L06-420, 220' North of Superior St. & Fairfield Ave. Latitude 41E 04' 54" Longitude 85E 08' 48"	Saint Mary's River
025	L06-421, 220' North of Superior St. & Fairfield Ave. Latitude 41E 04' 54" Longitude 85E 08' 49"	Saint Mary's River
026	M10-151, 310' East of Third St. & Calhoun St. Latitude 41E 05' 12" Longitude 85E 08' 28"	Saint Mary's River
027	M10-202, 200' Southeast of Third St. & Calhoun St. Latitude 41E 05' 11" Longitude 85E 08' 30"	Saint Mary's River
028	M10-238, 150' East of Saint Mary's River Bridge & Spy Run Ave. Latitude 41E 05' 02" Longitude 85E 08' 07"	Saint Mary's River
029	M10-265, 230' East of Duck St. & Barr St. Latitude 41E 05' 02" Longitude 85E 08' 13"	Saint Mary's River
032	M10-306, 120' North of Clair St. & Harrison St. Latitude 41E 05' 01" Longitude 85E 08' 33"	Saint Mary's River
033	M10-313, 200' Southeast of Third St. & Calhoun St. Latitude 41E 05' 11" Longitude 85E 08' 30"	Saint Mary's River
036	M18-032, 520' North of State Blvd. & Westbrook Dr. Latitude 41E 05' 52" Longitude 85E 08' 34"	Spy Run Creek
039	N06-022, 120' North of Hanna St. & Berry St. Latitude 41E 04' 50" Longitude 85E 07' 48"	Maumee River
044	N22-93, 150' East of Dalgreen Ave & Spy Run Ave. Latitude 41E 06' 15" Longitude 85E 08' 00"	Saint Joseph River

045	N22-103, 100' East of Penn St. & Spy Run Ave. Latitude 41E 06' 19" Longitude 85E 07' 58"	Saint Joseph River
048	O10-252, 350' West of Edgewater & Garfield Latitude 41E 05' 08" Longitude 85E 07' 54"	Maumee River
049	O10-257, 1450' East of Tecumseh St. & Herbert St. Latitude 41E 05' 01" Longitude 85E 07' 00"	Maumee River
050	O10-277, 100' North of Coombs St. & Herbert St. Latitude 41E 05' 03" Longitude 85E 07' 21"	Maumee River
051	O22-002, 120' Northwest of St. Joseph Dr. & Woodrow Ave. Latitude 41E 06' 41" Longitude 85E 07' 03"	Saint Joseph River
052	O22-4, 370' West of N. Anthony Blvd. & St. Joseph River Dr. Latitude 41E 06' 43" Longitude 85E 06' 32"	Saint Joseph River
053	O22-094, 200' East of Parnell Ave bridge & the St. Joseph River Latitude 41E 06' 32" Longitude 85E 07' 29"	Saint Joseph River
054	O23-080, 240' East of Mercer Ave. & Hollis Ln. Latitude 41E 01' 41" Longitude 85E 07' 07"	Natural Drain #4
055	P06-192, 430' North of N. Anthony Blvd. & Wayne St. Latitude 41E 04' 52" Longitude 85E 06' 53"	Maumee River
056	J03-313, Brown Street Pump Station Latitude 41E 05' 06" Longitude 85E 06' 32"	Saint Mary’s River
057	P10-121, Stormwater Liftstation Wet Well Latitude 41E 05' 02" Longitude 85E 06' 28"	Maumee River
058	O06-34, 390' Northwest of Edsall Ave. & Dwenger Ave. Latitude 41E 04' 46" Longitude 85E 05' 59"	Maumee River
060	R06-31, 670' Northeast of Greenwalt Ave. & Maumee Ave. Latitude 41E 04' 37" Longitude 85E 05' 39"	Unnamed Ditch to Maumee River
061	R14-137, 200' West of Lavern Ave. & State Blvd. Latitude 41E 05' 50" Longitude 85E 05' 40"	Baldwin Ditch
062	R14-138, 200' West of Lavern Ave. & State Blvd. Latitude 41E 05' 50" Longitude 85E 05' 40"	Baldwin Ditch
064	S02-35, 610' Southeast of Coliseum Blvd. S. & New Haven Ave. Latitude 41E 04' 16" Longitude 85E 05' 11"	Unnamed Ditch to Maumee River

067	K19-077, 310' Southeast of Hartman Rd. & Foster Park Dr. (Lat/Long data not available)	Saint Mary's River
068	N18-254, 54' North of Northside Dr. & Glazier Ave. on east bank (Lat/Long data not available)	St. Joseph River

B. Discharges from CSOs shall not cause or contribute to violations of water quality standards* or to the impairment of designated or existing uses. Combined Sewer Overflows are point sources subject to both technology-based and water quality-based requirements of the Clean Water Act and state law.

* Refer to the Schedule of Compliance in Part VII of this Attachment A.

C. Discharge from the CSO outfalls herein shall not cause receiving waters:

1. including the mixing zone, to contain substances materials, floating debris, oil, scum, or other pollutants:

   a. that will settle to form putrescent or otherwise objectionable deposits;
   b. that are in amounts sufficient to be unsightly or deleterious;
   c. that produce color, visible oil sheen, odor, or other conditions in such a degree as to create a nuisance;
   d. which are in amounts sufficient to be acutely toxic to, or otherwise severely injure or kill aquatic life, other animals, plants, or humans; and
   e. which are in concentrations or combinations that will cause or contribute to the growth of aquatic plants or algae to such degree as to create a nuisance, be unsightly, or otherwise impair the designated uses.

2. outside the mixing zone, to contain substances in concentrations which on the basis of available scientific data are believed to be sufficient to injure, be chronically toxic to, or be carcinogenic, mutagenic, or teratogenic to humans, animals, aquatic life, or plants.

D. Dry weather discharges from any portion of the sewer collection system, including the outfalls listed in Part I.A of this Attachment A, are prohibited. If a dry weather discharge occurs, the permittee shall notify the Office of Water Quality, Compliance Section, by phone within 24 hours and in writing within five days of the occurrence. The correspondence shall include the duration and cause of the discharge as well as the remedial action taken to end the discharge.

II. Monitoring and Reporting Requirements

A. The permittee shall monitor, using a flow measurement device (including a continuous chart recorder), and report discharges from each outfall listed in Part I.A., of this Attachment A. The flow measurement device shall be placed at a location (the outfall or relevant regulator structure) that will provide the most reliable measurement for a particular outfall. The report shall be submitted on a monthly basis and include the volume and duration of the CSO discharge, as well as the time at which the CSO discharge began. The permittee shall also report the amount of precipitation for each day of the month; if multiple rain gauges are used, the information from each rain gauge shall be reported. This information shall be reported on the CSO Discharge Monitoring Report (DMR) form provided by IDEM and submitted to IDEM prior to the 28th day of the following month. All submittals under this provision shall be subject to the reporting requirements of this permit, including, but not limited to, Part II, Section C.6 ("Signatory Requirements"), C.7 ("Availability of Reports"), and C.8 ("Penalties for Falsification of Reports") of this permit.

B. Upon written request, IDEM may approve the use of a method, in lieu of monitoring the discharges from each outfall with a flow measurement device, to provide the above information, if IDEM determines that the proposed method is an acceptable practice and is likely to provide reliable information. Any approval by IDEM shall be in writing and may be terminated by IDEM if it determines that the method or its implementation is no longer likely to provide reliable information. If the permittee desires to utilize a model, then the additional requirements in Part II.C. of this Attachment A apply.

C. In lieu of monitoring the discharges from each outfall with a flow measurement device, the permittee may request in writing for IDEMs approval to allow the use of a sewer collection system hydraulics model to report the volume and duration of each CSO discharge. This method must include representative monitoring of specific CSO outfalls and activation data for all non-metered CSO outfalls (as agreed upon by IDEM). IDEM will only grant such a request if: (a) IDEM determines that the model is properly calibrated and verified, (b) the permittee continues to monitor selected outfalls that IDEM agrees are likely to provide representative data, (c) the permittee has an appropriate plan for continued verification and calibration of the model that incorporates actual outfall monitoring data and addresses significant changes in the collection system or treatment plant and the amount of flow entering the collection system or plant, and (d) the permittee either visually inspects or monitors all CSO outfalls daily to determine whether a discharge has occurred and records the results of such visual inspections or monitoring. All results obtained shall be reported to IDEM each month on the CSO DMR.

III. CSO Operational Plan

A. The permittee shall comply with the following minimum technology-based controls, in accordance with the federal CSO Control Policy:

1. The permittee shall implement proper operation and regular maintenance programs for the sewer system and the CSOs. The purpose of the operation and maintenance programs is to reduce the magnitude, frequency and duration of CSOs. The program shall consider regular sewer inspections; sewer, catch basin, and regulator cleaning; equipment and sewer collection system repair or replacement, where necessary; and disconnection of illegal connections.

2. The permittee shall implement procedures that will maximize the use of the collection system for wastewater storage that can be accommodated by the storage capacity of the collection system in order to reduce the magnitude, frequency and duration of CSOs.

3. The permittee shall review and modify, as appropriate, its existing pretreatment program to minimize CSO impacts from nondomestic users. The permittee shall identify all industrial users that discharge to the collection system upstream of any CSO outfalls; this identification shall also include the pollutants in the industrial user's wastewater and the specific CSO outfall(s) that are likely to discharge the wastewater.

4. The permittee shall operate the POTW treatment plant at maximum treatable flow during all wet weather flow conditions to reduce the magnitude, frequency and duration of CSOs. The permittee shall deliver all flows to the treatment plant within the constraints of the treatment capacity of the POTW.

5. Dry weather overflows from CSO outfalls are prohibited. Each dry weather overflow must be reported to IDEM as soon as the permittee becomes aware of the overflow. When the permittee detects a dry weather overflow, it shall begin corrective action immediately. The permittee shall inspect the dry weather overflow each subsequent day until the overflow has been eliminated.

6. The permittee shall implement measures to control of solid and floatable materials in CSO discharges;

7. The permittee shall implement a pollution prevention program focused on reducing the impact of CSOs on receiving waters.

8. The permittee shall implement a public notification process to inform citizens of when and where CSO discharges occur and their impacts. This notification must also be done in accordance with 327 IAC 5-2.1.

9. The permittee shall monitor to effectively characterize CSO impacts and the efficacy of CSO controls.

B. The permittee's implementation of each of the minimum controls shall be documented in its CSO Operational Plan (CSOOP), which shall be submitted to IDEM for approval. The CSOOP shall be immediately implemented by the permittee upon its approval. The permittee shall update the CSOOP to reflect changes in its operation or maintenance practices; measures taken to implement the above minimum requirements; and changes to the treatment plant or collection system, including changes in collection system flow characteristics, collection system or WWTP capacity or discharge characteristics (including volume, duration, frequency and pollutant concentration). The permittee shall update the CSOOP and submit the updates to IDEM annually, beginning with the effective date of this permit. Updates to the approved plan are subject to comment and approval by IDEM. The permittee may implement changes to the approved plan before receiving approval by IDEM, unless the changes would result in a lower amount of flow being sent to and through the plant for treatment or more discharges (measured either by volume, duration, frequency, or pollutant concentration) occurring from the CSO outfalls. The permittee shall maintain a current Operational Plan, including all approved updates, on file at the POTW.

C. The permittee shall maximize the volume of flows transported to and through the wastewater treatment plant (WWTP) for treatment before and during a CSO discharge. The permittee shall also maximize the volume of flow through the relevant portion of the collection system before collection system overflows and/or diversions into pond 1, may occur. The maximization of flow must continue for the duration of the discharge or diversion.

IV. Sewer Use Ordinance Review/Revision

The permittee, within nine (9) months of the effective date of this permit, shall review, modify, where necessary, and enforce its existing Sewer Use Ordinance to ensure it contains provisions which: (1) prohibit introduction of inflow sources to any sanitary sewer; (2) prohibit construction of new combined sewers outside of the existing combined sewer service area; and (3) provide that for any new building the inflow/clear water connection to a combined sewer shall be made separate and distinct from sanitary waste connection to facilitate disconnection of the former if a separate storm sewer subsequently becomes available.

V. Long-term CSO Requirements

The permittee shall develop a CSO Long Term Control Plan (LTCP) that ensures its CSO discharges will comply with the technology-based and water quality-based requirements of the Clean Water Act (CWA) (including section 402(q) of the CWA), state law (IC 13-11-2-120.5 and applicable state water quality standards), and the administrative order issued by U.S. EPA Region V on January 17, 1996. The LTCP shall be submitted to the Indiana Department of Environmental Management, Office of Water Quality, Urban Wet Weather Section (UWWS) for its approval.

Required components of the LTCP include the following:

A. Characterization, Monitoring, and Modeling of the CSS;
B. Consideration of Sensitive Areas;
C. Evaluation of Alternatives;
D. Cost/Performance Considerations;
E. Revised CSO Operational Plan;
F. Maximizing Treatment at the WWTP;
G. Implementation Schedule;
H. Post-Construction Compliance Monitoring Program; and
I. Public Participation.

VI Reopening Clauses

A. If IDEM believes that CSO discharges may be causing or contributing to exceedances of water quality standards, then additional control measures, effluent limitations, and/or monitoring requirements may be imposed through a modification of this permit, after public notice and opportunity for hearing. This permit may be reopened to address changes in the federal CSO Control Policy or state or federal law.

B. The permit may be reopened, after public notice and opportunity for hearing, to incorporate elements of an approved LTCP.

VII. Schedule of Compliance

The prohibition on discharges from CSOs causing or contributing to violations of water quality standards shall not apply to the numeric *E. coli* criteria set forth in 327 IAC 2-1.5-8(e) for a period beginning with the effective date of this permit and ending five years from the effective date of this permit.

In accordance with 327 IAC 5-2-12.1, this schedule of compliance includes the following interim requirements:

Within twelve (12) months from the effective date of this permit, the permittee shall submit a progress report to the Office of Water Quality (OWQ), Permits Branch, on the development and/or implementation of the LTCP as required in Part V of this permit.

Progress reports discussing the permittee's development and/or implementation of the LTCP are also due twenty-four (24) months from the effective date of the permit, thirty-six (36) months from the effective date of the permit, forty-eight (48) months from the effective date of the permit, and sixty (60) months from the effective date of the permit.

ATTACHMENT B

Sanitary Sewer Overflows (SSOs)

Overflows in the sanitary sewer system or in a sanitary portion of a combined sewer system are expressly **prohibited** from discharging at any time. If any release from the sanitary sewer system occurs, the permittee is required to notify the Compliance Evaluation Section of the Office of Water Quality orally within twenty-four (24) hours and in writing within five (5) days of the event in accordance with the requirements in Part II.C.3.d of this permit. The correspondence shall include the duration and cause of discharge as well as the remedial action taken to eliminate it. The overflow duration and estimated flow shall also be reported on the Discharge Monitoring Report form.

The following SSO points have been identified as being present in the collection system:

Overflow Point	Location	Receiving Water
046	N23-129, 1150' East of Hanna St. & Warfield St. Latitude 41E 01' 23" Longitude 85E 07' 22"	Highland Drain
063	R19-78, 260' North of Hessen Cassel Rd. & Heritage Dr. Latitude 41E 02' 18" Longitude 85E 05' 47"	Unnamed Ditch to Trier Ditch
065	T46-12, 90' West of Brookwood Pass & Brook Dr. Latitude 41E 09' 08" Longitude 85E 04' 43"	Salgy Drain